

submits that the present claims are not obvious in view of Boyd since there is no motivation or suggestion in the art to modify Boyd to include the seamless cylinder subject matter of the present claims.

These distinguishing features are recited in the claims. For example, independent claim 1 recites, a golf cup apparatus including “a cup sleeve disposed within the golf cup, the sleeve comprising a one-piece, seamless cylinder having an open circular top end and an open circular bottom end and the cup sleeve abutting the interior surface of the golf cup without interfering with a golf ball dropping within the golf cup.”

Independent claim 20 recites “a cup sleeve disposed within the metal golf cup, the sleeve comprising a one-piece, seamless plastic cylinder defined in outer surface by an outer surface; the plastic cylinder disposed within the metal cup such that the outer surface of the plastic cylinder rests against the interior surface of the metal golf cup in an interference fit therebetween and a top edge surface of the sleeve abuts a bottom surface of the annular lip.”

Independent claim 22 recites “a cylindrical sleeve having an outer diameter dimensioned to fit against an inner surface of a golf cup and an inner diameter dimensioned so as not to interfere with a golf ball dropping within the golf cup, the cylindrical sleeve having a one-piece, seamless form wherein the cylindrical sleeve presents a substantially smooth inner surface when the cylindrical sleeve is mounted within the golf cup.”

Independent claim 25 recites a golf cup apparatus including a “a golf cup sleeve adapted to fit within the golf cup sleeve mounting area without interfering with a golf ball dropping within the golf cup, wherein the golf cup sleeve includes an unbroken cylindrical sleeve having an outer diameter dimensioned to fit against the inner surface of the golf cup.”

Independent claim 29 recites a method including “placing a one-piece, seamless cylindrical golf cup sleeve into a golf cup; and releasing the golf cup sleeve so that an outer surface of the golf cup sleeve is forced against an inner surface of the golf cup and an inner surface of the golf cup sleeve does not interfere with a golf ball dropping within the golf cup.”

Dependent claims 3, 9, 11, 12, 13, 23, 26, and 27 include each limitation of their respective parent claims and are therefore also no obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Secondary Considerations

Moreover, as further evidence of the non-obviousness of the present claims, enclosed herewith is a declaration under 37 C.F.R. 1.132 detailing the commercial success of a golf sleeve embodying the seamless cylinder subject matter of the present claims. Applicant believes that the evidence of commercial success provides objective evidence of the non-obviousness of the present claims, and submits that this secondary, objective evidence overcomes the present 35 USC § 103 rejection.

Claims 8, 24, and 28

Claims 8, 24 and 28 were rejected under 35 USC § 103(a) as being unpatentable over Crocker (UK 355171).

Claims 8, 24, and 28 include each limitation of their respective parent claims and are therefore also not obvious in view of the cited reference for the reasons discussed above.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-359-3267) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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12/10/02

By



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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 10th day of December, 2002.

Candis B. Buending

Name

Signature

